

Drug Free Federal Workplace Program (DFWP) Training For Supervisors



**Bruce McFadden
Employee Assistance Program
Coordinator**



“The Federal Government, as the largest employer in the nation, can and should show the way towards achieving drug-free workplaces through a program designed to offer drug users a helping hand and, at the same time, demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace”

Ronald Reagan

President of the United States of America

Federal Mandates & Regulatory Guidance

- Executive Order 12564 -
Drug-Free Federal Workplace Act.
- Department of Health & Human Services
Mandatory
Guidelines for Federal Workplace Drug Testing
Programs
- Directive 1010.9-DoD Civilian Employee Drug
Testing Program

Test Designated Positions (TDPs)

-Carry or have access to firearms

Positions that require an employee to:

-Drive a motor vehicle transporting one or more passengers on at least a weekly basis

-Have a commercial drivers license (CDL) to drive large vehicles or to transport hazardous materials

-Have a Top Secret or above Clearance

-Electroplate critical aircraft parts

-Handle railroad/train movement and safety

-Handle Aviation safety and repair

-Provide direct treatment and counseling services

-Control and extinguish fires

Categories of Drug

1. Pre-employment Testing
2. Random Testing
3. Reasonable Suspicion Testing
 - Any employee suspected of on-duty drug use or impairment
 - Any employee in a TDP suspected of using illegal drugs
4. Post Accident Testing
 - Strict guidelines
5. Follow-up Testing
6. Other - Volunteer for Testing

Reasonable Suspicion

Testing

- A belief that an individual may have used illegal drugs, based on the following:
 - Direct observation of drug use, possession and/or the physical symptoms of being under the influence of a drug.
 - A pattern of abnormal conduct or erratic behavior.
 - Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.
 - Information provided either by reliable and credible sources or independently corroborated.
 - Newly discovered evidence that the employee has tampered with a previous drug test.

Required Procedure for Reasonable Testing

- Supervisor documents source of reasonable suspicion
- Supervisor coordinates with CPAC & SJA
- Individual is properly notified
- Testing is conducted

Accident or Safety Mishap

- Civilian employees will be subject to testing for evidence of illicit drug use, based upon the circumstances of an accident or safety mishap, if the member's supervisor reasonably concludes an employee's conduct may have caused or contributed to an accident or safety mishap involving personal injury that requires emergency medical treatment, a fatality or at least \$2,000 in property damage.
- The determination will be coordinated with a higher level supervisor in the functional chain of supervision, CPAC and SJA.

WHAT DRUGS ARE DETECTED?

➤ MARIJUANA



➤ COCAINE



➤ AMPHETAMINES



➤ OPIATES



➤ PHENCYCLIDINE (PCP)

QUESTION: WHAT ABOUT PRESCRIPTION DRUGS?

ANSWER: NO PROBLEM **IF** YOU HAVE A PRESCRIPTION.

- *Can second-hand smoke from Marijuana cause a false positive urine test?*



- *Can over-the-counter medications cause a false positive test result?*

Certified Laboratories

- *Can supplements cause a false positive test result?*

Certified
Laboratories

NO!

Can food cause a false positive test result?

NO!



Certified
Laboratories

*Can prescription
medication cause a false
positive urine test?*



YES!

Procedures & Requirements

Minimum Testing

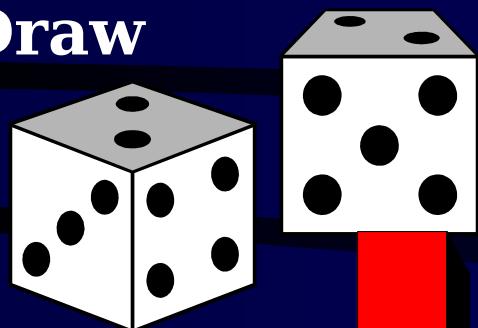
Requirement: 100 % Per
Year

Random Testing Initiated by
the Drug Demand Reduction
Program



Collection of Specimens

Computerized Random Draw



Individual has 2 Hours to get to DDRP & give Specimen



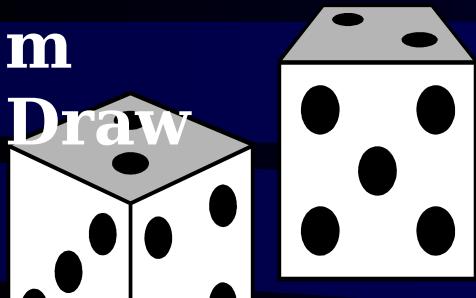
DDRP
Notifies
Supervisor
or
HOW IS DRUG TESTING DONE



Supervisor Notifies Individual Immediately

Collection of Specimens

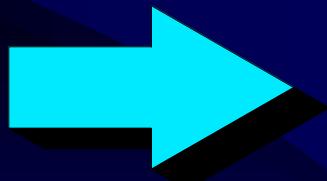
Random Draw



Supervisor
Notifies DDRP
of Reason



DDRP
Notifies
Supervisor



*Supervisor
Unable
to Notify
Individual*

HOW IS DRUG TESTING DONE

Deferral of Testing

Based upon compelling need, such as:

- Employee in a pre-approved leave status (sick, annual, administrative, or LWOP)
- Employee is on pre-approved TDY or about to embark on TDY
- Employee engaged in mission-related exigency (this basis for deferment will be rare)

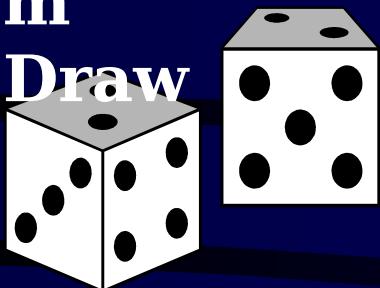
Deferral of Testing

Continued

- An employee selected for random drug testing may obtain a deferral of testing if the employee's first-line and higher-level supervisors concur that a compelling need necessitates a deferral on the previous stated grounds.

Collection of Specimens

Random Draw



DDRP Notifies Supervisor



Supervisor Takes Appropriate Action

Individual shows up at the DDRP within 2 Hours; BUT *refuses* to test; DDRP Notifies Supervisor or Notifies Individual

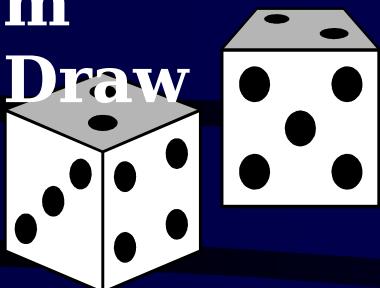


Immediately

HOW IS DRUG TESTING DONE

Collection of Specimens

Random Draw



Supervisor Takes Appropriate Action



Individual does not show up at the DDRP within 2 Hours; DDRP

Notifies Supervisor

Supervisor

Notifies Individual

Immediately

DDRP
Notifies
Supervisor



HOW IS DRUG TESTING DONE

What is a refusal to take a drug test

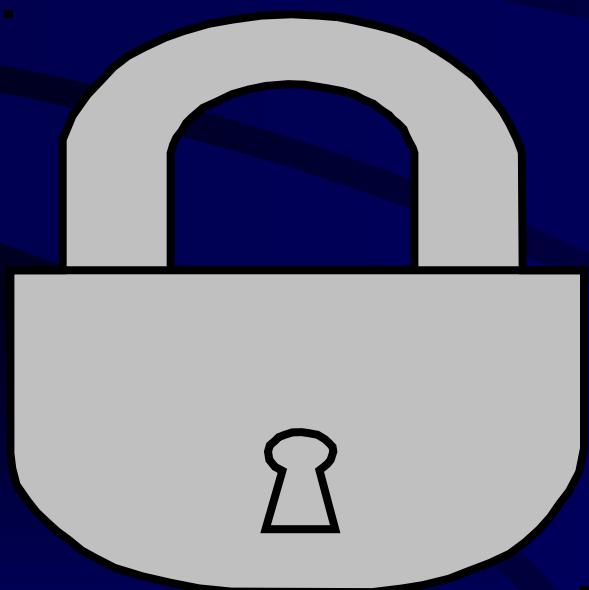
A refusal is:

- (1) Fail to appear
- (2) Fail to remain
- (3) Fail to provide urine
- (4) Fail to permit observation
- (5) Fail to provide sufficient urine
- (6) Fail to take second test
- (7) Fail to undergo medical exam
- (8) Fail to cooperate

On what basis does the MRO verify test results involving marijuana, cocaine, amphetamines, or PCP?

- (1) Donor must have legitimate medical explanation
- (2) Offers the opportunity to explain
- (3) **Employee has burden of proof**
- (4) Legitimate reason- must verify as negative

EMPLOYEE DRUG
TESTING RECORDS
ARE CONFIDENTIAL



QUESTIONS?





EMPLOYEE ASSISTANCE PROGRAM

Supervisors Orientation

Bruce McFadden
Employee Assistance Program
Coordinator

What is an EAP?



An Employee Assistance Program (EAP) is a worksite-based program to assist:

- The work organization in addressing **productivity** issues**
- Employee 'clients' in identifying and resolving personal concerns that may affect job performance**





EAP Services are

- available to:**
- Civilian Employees**
- Military and Civilian Employee Family Members**
- Military Retirees and their Family Members**

How the EAP Can Help



Substance Abuse

Alcohol Dependency
Drug Dependency
Prescription Drug Abuse
Co-dependency and concerns
for family members



Personal and Emotional Problems

Stress
Anxiety
Depression, suicidal thoughts
Anger
Grief and loss

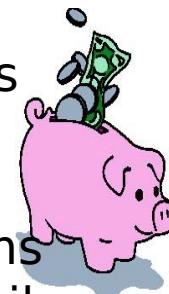
Family and Relationship Problems

Marital problems
Communication issues
Parenting concerns and parent-child
conflict
Adjustment to separation and divorce
Single parenting concerns
Blended families
Step-parenting
Domestic violence and abuse
Caring for ar



Work and Life Issues

Job-related stress
Adjusting to job changes
Financial problems
Legal problems
Communication problems
Balancing work and family
demands



EAP Basics (*cont'd*)



Services provided by EAPs:

- **Confidential short-term counselling to help identify, assess and resolve problems that may affect job performance or well-being**
- **Referral, where appropriate to community services/professional resources**
- **Follow-up services to help employees readjust/cope**





EAP BASICS:

EAPs are confidential

- Identity is protected by confidentiality laws
- **No cost to employees or family members**
- EAPs help find affordable services
- Employees are responsible for the cost of services to which they may be referred



Confidentiality Begins...

Confidentiality starts *prior* to enrollment for the client (employee).

During the initial screening, the confidentiality statement will be reviewed with the client.

The confidentiality and disclosure of records is controlled by **42 USC 290dd-2 and **42 CFR Part 2**. This is limited to the**



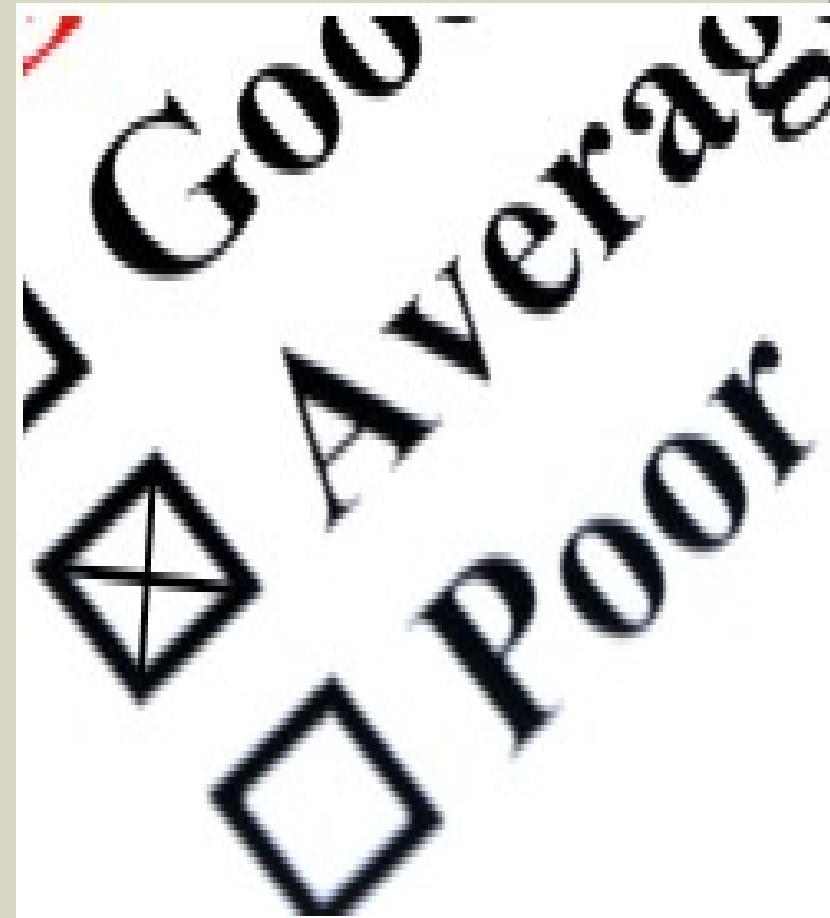
- **Identity**
- **Diagnosis**
- **Prognosis**
- **Treatment**

EAPs are not a “safe harbor”



Participation in an EAP does not excuse unsatisfactory job performance

- Your hands are not “tied”**
- You are not prohibited from taking action in response to job performance problems**



EAPs are Voluntary



**Employees are not
“forced” to participate**

- **Getting angry or telling an employee it is “mandatory” to go to the EAP may harm the program's ability to attract employees and the organization's investment in it; utilization may suffer**
- **Employees who say, “My supervisor told me I had to come,” are typically less accepting of help**



Two Types of EAP Referrals



Self-referral

- Employee **volunteers** to participate in the EAP without being referred by the supervisor

Supervisor referral

- Employee agrees to participate in the EAP **after** being referred by the supervisor - based on job performance problems (attendance, quality of work, conduct, etc.)

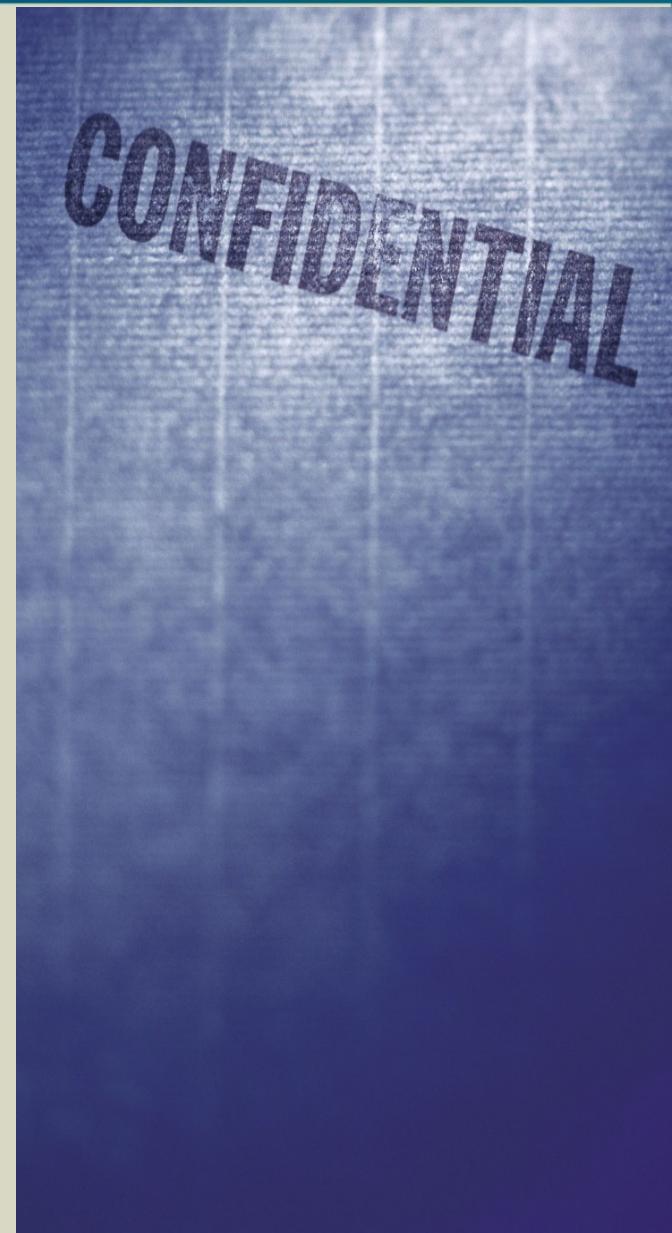


Referral to the EAP (cont'd)



Remind the employee that the EAP is confidential

- Ask your employee to sign a release
- Tell the employee that the EAP **will not** provide personal information
- Ask the employee if he or she will accept the referral



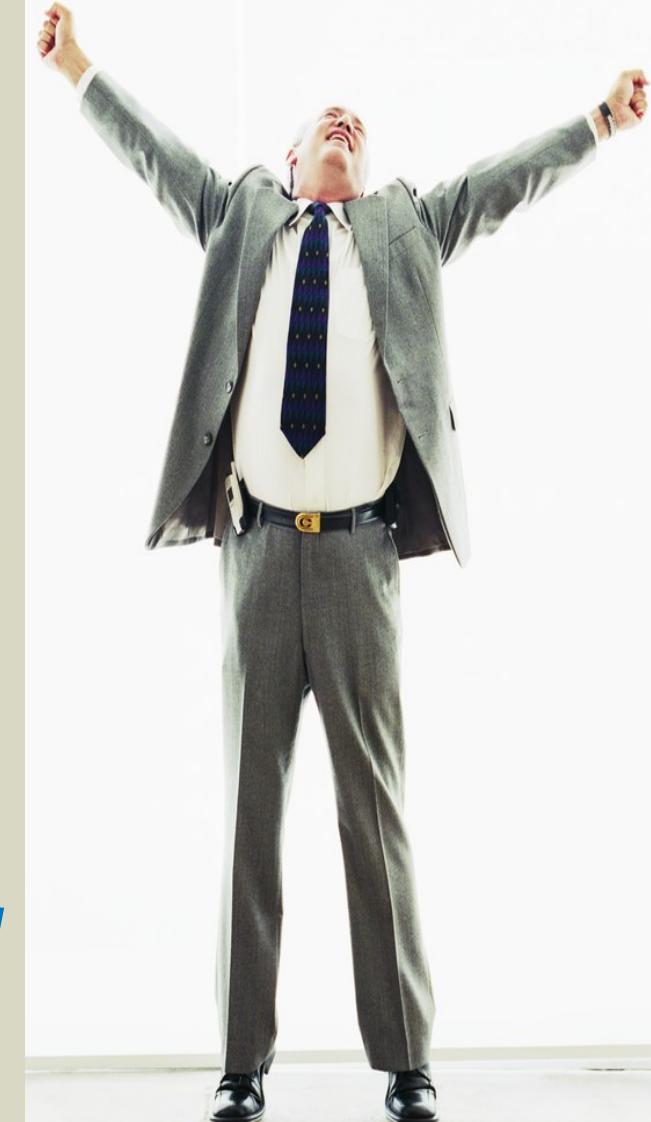
Referral to the EAP (cont'd)



Inform the employee that participation in an EAP **cannot result in loss of promotional opportunities or jeopardize one's job security**

If your employee does not accept an EAP referral, remind the employee that he or she could be subject to disciplinary action if performance problems continue

- Do not threaten disciplinary action you will not or cannot carry out**



Be cautious...



Do not discuss the referral of your employee with others, especially coworkers

- You must be cautious about improper disclosure of your employee's personal information**

Do not place information in a personnel file about the employee's participation in the EAP

Such actions can contribute to the perception that the EAP is not a safe source of help



After the referral

- EAP can confirm:
 - Attendance
 - Compliance with recommendations
 - Non- Compliance
- **Do not expect to receive personal information about your employee**

If the EAP does not call you, then you should call the EAP



After the referral (*cont'd*)

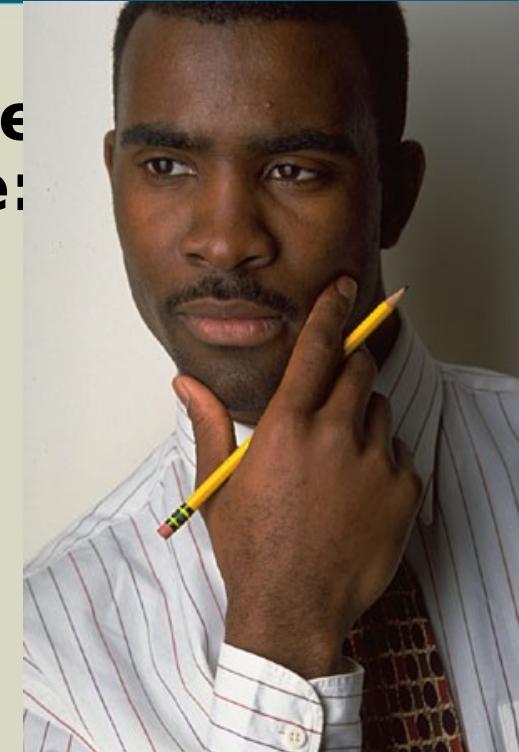


If the EAP cannot communicate with you about your employee:

(a) Employee may not have gone to the EAP

(b) Employee may not have signed a release

- Continue to focus on job performance and act accordingly**
- Do not become frustrated with the EAP, or believe your “hands are tied” and that you cannot act**



Do's and Don'ts

- Don't participate in armchair diagnosis of employees
- Do not “analyze” their performance troubles to determine personal causes
- Do not “rule out” a personal problem, and unwittingly decide that the EAP could not help the employee



It's True

- **If your employee was treated for alcoholism or an addictive disease, you may be aware of it**
- **Remember that a relapse (a return to drinking or using drugs) is possible**
- **Relapse does not mean failure, but intervention must be quick and certain**
- **A referral back to the EAP is necessary in the event of relapse or a return to performance problems**





You should know that

...

- A referral to the EAP is a good thing!
 - An opportunity to resolve a personal problem possibly interfering with work performance
 - Can help to avoid the consequences of continued unsatisfactory performance



Asking for



is a sign of strength.

If you need assistance please call

Employee Assistance Program Coordinators (EAPCs)
Fort Eustis: 878-2924



Questions

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